JAN 1 2 1988

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99TH CONGRESS
2d Session

SENATE

EXEC. REPT.
99-13

COMPLETED

VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

APRIL 23 (legislative day, APRIL 21, 1986.—Ordered to be printed

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Mr. LUGAR, from the Committee on Foreign Relations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany Treaty Doc. 99-9]

The Committee on Foreign Relations, to which was referred the Vienna Convention for the Protection of the Ozone Layer, done at Vienna on March 22, 1985, having considered the same, reports favorably thereon without amendment and recommends that the Senate give its advice and consent to ratification thereof.

PURPOSE

The Convention provides for international cooperation in research and information exchange on the depletion or restructuring of the earth's ozone layer. The Convention could later serve as the framework for protocols involving international regulation of human activities which are found to affect the ozone layer.

BACKGROUND

The Vienna Convention for the Protection of the Ozone Layer was negotiated at a conference held in Vienna under the auspices of the United Nations Environment Program (UNEP) in 1984 and 1985. It is the result of a concern growing within the scientific community that certain human activities are depleting and restructuring the earth's ozone layer. The ozone layer prevents harmful amounts of ultraviolet radiation from reaching the earth's surface. Depletion of ozone could result in increased skin cancer, suppression of human immune responses, reduced crop yields and climatic

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changes. Further, human activity may also be linked to vertical redistribution of ozone involving greater concentrations in the lower stratosphere and upper troposphere, and lesser concentrations in the upper stratosphere. This could affect atmospheric circulation patterns, and cause a global warming.

Emissions of chlorofluorocarbons (CFCs), carbon dioxide, methane, and nitrous oxide are suspected of depleting and restructuring the ozone layer. Concentration has been on CFCs. CFCs are synthetic compounds made of chlorine, fluorine, carbon and sometimes hydrogen. They are widely used in industry as refrigerants, solvents and expansion agents for foamed plastics. In 1978 The Environmental Protection Agency (EPA) banned CFCs as aerosol propellants. In 1980 it proposed a freeze on emission levels, although no further action has been taken on this proposal. The United States sought international measures for CFCs at the conference which negotiated the Convention, and, though international regulation was not agreed, one of the conference's resolutions called for a continued effort in this direction.

The Convention now before the Senate commits states to take appropriate measures to protect the ozone layer. Parties undertake to cooperate in systematic observations, research and the exchange of information. Topics to be covered include processes which affect the ozone layer, how it is affected, climatic effects, alternative substances and technologies and related socio-economic matters. To carry out its purposes the Convention establishes a secretariat. The Convention explicitly refers to future protocols, establishes procedures to resolve disputes, and creates mechanisms to handle more binding measures.

There is no apparent controversy surrounding the Convention itself. Controversy arises when addressing the next step. Environmental groups feel that the Convention is a good start, but argue that the evidence is sufficient to warrant international regulation. The CFC industry argues that the evidence is far from clear, and that if there is a problem, it is far greater than just CFC emissions. Thus they support the Convention because it would lead to further study. However, they oppose proceeding with any protocol which would have regulatory impact. The United States has continued to seek a protocol involving international regulation. This effort has broken down largely due to disagreements with the European Community (EC). Negotiations are currently suspended in favor of "fact finding."

SUMMARY

The substantive portions of the Convention are contained in Articles 2, 3 and 4. Article 2 commits parties to take appropriate steps to protect against the adverse affects of ozone layer modification. To this end they shall conduct research and exchange information. They shall also take appropriate domestic legal steps, if warranted. Article 3 outlines the areas of research and cooperation: activities which affect the ozone layer, effects of ozone layer modification, climatic effects, alternative substances and technologies and related socio-economic matters. Article 4 describes the type and extent of cooperation envisaged.

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Article 6 calls for conferences of parties at regular intervals. Article 7 provides for a secretariat.

The Convention provides for the possibility of protocols with international regulatory impact in Articles 2 and 8. Article 11 outlines a procedure for settling disputes.

DATE OF ENTRY INTO FORCE AND TERMINATION

Entry into force requires ratification, acceptance or approval by twenty signatories. The convention would enter into force on the ninetieth day after deposit of the twentieth instrument of ratification. The Convention has no expiration date. After four years after entry into force any party may withdraw with one year notice.

COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing, chaired by Senator Evans, on the Ozone Convention on March 18, 1986. The Committee considered the Convention at its business meeting on April 10, 1986 and without objection and with a quorum present ordered it reported favorably to the Senate for its advice and consent.

COMMITTEE COMMENTS

The Committee accepted the view expressed by Senator Evans that the Ozone Convention is an important step in protecting the environment and public health. The Committee believes that research into the depletion or restructuring of the ozone layer must be a priority for the world's scientific community. International research and information exchange should maximize scientific gain with efficient and comprehensive research and analysis.

BUDGET IMPACT

UNEP will provide secretariat services until the first conference of parties. Article 6 provides that the first conference will be one year after entry into force. Therefore, the State Department estimates that a contribution toward a secretariat would be required in fiscal year 1988. The Department estimates the cost at $250,000 per year. The U.S. contribution would be 20–25 percent. However, if the first conference were to choose a U.N. organization, (such as UNEP), as the permanent secretariat, the U.S. contribution could not exceed 20 percent in accordance with Public Law 99–93, Section 143. The only other costs would be for U.S. participation in the conferences to be held at regular intervals. The research the Convention calls for is already planned for in domestic U.S. programs.

TEXT OF RESOLUTION OF RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Vienna Convention for the Protection of the Ozone Layer, done at Vienna on March 22, 1985.

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ADDITIONAL VIEWS OF SENATOR PELL

The Vienna Convention for the Protection of the Ozone Layer is a significant international instrument and represents a major undertaking by the international community to address a potential threat to the environment. To say that the threat of ozone depletion is potential, however, is not to say that it is remote. To the contrary, recent scientific evidence demonstrates that, if anything, there is more reason for concern than ever and that the magnitude of the problem is staggering.

I hope that the Convention will be a vehicle for translating that concern into international action. The problems of stratospheric ozone depletion and global warming are clearly worldwide ones, and ones that require the most diligent kind of international cooperation to solve. Recent evidence shows that stratospheric ozone over Antarctica has decreased by 40 percent in recent years. This rapidly growing ozone "hole" demonstrates that ozone depletion can occur far from the sites of emissions of man-made chemicals. International cooperation on this issue is obviously in our interest, as emissions of ozone depleting chemicals in other countries can harm us just as surely as emissions from the United States can injure the environments of other countries. Certainly as far as the ozone layer is concerned, there is truly only one enormous global ecosystem.

As significant an accomplishment as the UNEP Convention is, it should be acknowledged that it is only a first step relative to the magnitude of cooperation that is ultimately needed. I believe that a protocol to limit chlorofluorocarbon emissions worldwide is necessary and in the U.S. national interest, and that the EPA review currently underway will reaffirm that belief. I encourage the Administration to use its best efforts to obtain a strong and effective protocol.

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